

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JAMES K. RICE,</b>	)	
	)	<b>Jury Demand</b>
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>No. 3:15-CV-0398</b>
	)	
<b>AUTUMN ASSISTED LIVING</b>	)	<b>Judge Campbell</b>
<b>PARTNERS, INC.,</b>	)	
	)	<b>Magistrate Judge Knowles</b>
<b>Defendant.</b>	)	

**PLAINTIFF’S MOTION *IN LIMINE* NO. 3 AND MEMORANDUM  
OF LAW TO EXCLUDE EVIDENCE OF EEOC FINDINGS OR CONCLUSIONS**

Pursuant to Rules 401, 402, and 403 of the Federal Rules of Evidence, Plaintiff James Rice, moves the Court to exclude evidence or testimony regarding any findings and/or conclusions formed by personnel employed by the EEOC as a result of its investigation of James Rice and Defendant Autumn Hills. Specifically, Plaintiff Rice requests the Court exclude from evidence a letter written by EEOC Investigator Marlene Dameron dated January 22, 2015 and attached as **Exhibit A**.

Plaintiff Rice contends testimony or evidence regarding any of the above facts, including any negative opinion that might be expressed through the letter, does not have “any tendency to make a fact more or less probable than it would be without the evidence” and none of the testimony “is of consequence in determining the [Title I] action.” The testimony is irrelevant therefore, inadmissible under Fed. R. Evid. 402.

If the Court should find, however, that the evidence is somehow relevant to the allegations in this case, the Court should exclude it from this trial because the probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, waste of time or misleading the jury pursuant to Fed. R. Evid. 403.

Accordingly, Plaintiff respectfully requests the Court grant this Motion *in Limine* and exclude from evidence any proof regarding the prior convictions for driving under the influence or domestic assault.

**THE LAW OFFICE OF DAVID L. COOPER, P.C.**

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**DAVID L. COOPER**, BPR #11445

208 Third Avenue North, Suite 300  
Nashville, TN 37201  
Phone: (615) 256-1008  
Email: dcooper@cooperlawfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing **Plaintiff's Motion in Limine** has been delivered by electronic transmission through the CM/ECF system to **James K. Simms, IV, Esq., and Jennifer M. Lankford, Esq., Thompson Burton PLLC**, One Franklin Park, 6100 Tower Circle, Suite 200, Franklin, TN 37067, on this 30th day of September, 2016.

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s/ David L. Cooper  
**DAVID L. COOPER**